

EXPEDITED PROCEDURE
Application No.: 09/805,124
Art Unit 2637

REMARKS

Applicants initially note that a Revocation of Power of Attorney, New Power of Attorney and Request for Change of Address was submitted on May 3, 2004, but appears not to have been entered by the Office, as the Office continues to address papers to the previous correspondence address. Applicants had resubmitted another copy of the Revocation of Power of Attorney, New Power of Attorney and Request for Change of Address on May 12, 2005. Applicants respectfully request that the Office enter and record the Revocation of Power of Attorney, New Power of Attorney and Request for Change of Address for this application. For the convenience of the Office, applicants include herewith a copy of the Revocation of Power of Attorney, New Power of Attorney and Request for Change of Address.

Claims 1-48 are pending in the application. However, claims 9-15, 24-30 and 37-43 are withdrawn from consideration. As a result, claims 1-8, 16-23, 31-36 and 44-48 are at issue.

Applicants respectfully traverse the rejection of claims 1-8, 16-23 and 31-36 (the claims at issue) as anticipated by McCain et al. (U.S. Pat. No. 6,129,449). Each of the claims, as amended herein, recites a system having a wireless communication link communicatively disposed between a field device and a control device, such as a process controller. The system recited in each of these claims allows any of a plurality of field devices to communicate in a wireless manner with a control system such as a central control of a process control system, or with a control device such as a process controller. For example, the field devices of the recited system can communicate with the central control of a process control system in a wireless manner and even without communicating with the process controller.

McCain et al. does not disclose a wireless communication link communicatively disposed between a field device and a control device, such as a process controller, and thus, cannot anticipate any of the claims at issue. While McCain et al. discloses a system having a process controller and one or more handheld computing units which are communicatively connected via a wireless, satellite-based communication link, McCain et al. does not disclose or suggest the use of a wireless communication link disposed between a field device and a control device, such as a process controller, as recited by each of the claims at issue.

EXPEDITED PROCEDURE**Application No.: 09/805,124****Art Unit 2637**

Therefore, the system disclosed in McCain does not allow any field devices to communicate with a central control system in a wireless manner without using a process controller.

Generally speaking, McCain et al. discloses a communication network having a plurality of infrared-based satellite transceivers and a number of hand-held units that may send data to or receive data from the satellite transceivers. The satellites may be further connected, via a hard line or a non-satellite infrared communication link, to a process controller. However, none of these elements is a field device. In fact, McCain et al. suggests using the hand held units for communicating information from field devices. Thus, while the hand held units may receive information from and transmit information to other process controllers via the satellite communication link, McCain et al. simply fails to disclose a wireless communication link disposed between a field device and a control device, such as a process controller, allowing the field device to communicate in a wireless manner, without having to use the handheld device or other similar intermediate communication means.

Because McCain et al. does not disclose the use of a wireless communication link communicatively disposed between a field device and a control device, such as a process controller, as recited by each of the claims at issue, McCain et al. cannot anticipate any of these claims.

Furthermore, McCain et al. does not suggest or provide any motivation for placing a wireless communication link between a control device and a field device, as recited by each of the claims at issue. Particularly, McCain et al. is concerned with providing a wireless connection to a hand held display device to allow users of the handheld device to obtain information from the controllers. McCain et al. is not concerned with, and does not deal with a manner of sending data between a field device and a controller or even between a field device and the handheld devices. As a result, McCain et al. does not recognize the problem addressed by the claimed system, i.e., providing communication links disposed between a control device, such as a process controller, and a field device in environments to provide redundant communication capabilities for situations in which a hard-wired communication line to the field device may become irreparable or unusable after installation, and in which the continued operation of the field device is critical. For example, in a nuclear power plant, there may need for a direct secondary communication link to a field device so that the device may continue to be controlled after a failure of a primary communication line, like a hard-wired communication line. In any event, McCain et al. fails to disclose or suggest using any

EXPEDITED PROCEDURE
Application No.: 09/805,124
Art Unit 2637

type of wireless communication link disposed between field devices and control devices, much less recognize or suggest that it is desirable or even possible to place a wireless communication link between field devices and control devices to, for example, enhance the reliability of communications related to a field device.

It is clear that the prior art must make a suggestion of or provide an incentive for a claimed combination of elements to establish a prima facie case of obviousness. See, *In re Oetiker*, 24 U.S.P.Q.2d 1443, 1446 (Fed. Cir. 1992); *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. 1985). This principle holds true even if the applied art could be modified to produce the invention recited by the pending claims. See, *In re Mills*, 16 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 1990); *In re Gordon*, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984) ("The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.") Because McCain et al. fails to discuss the use of any type of wireless communications link communicatively disposed between field devices and a control device, much less suggest that it is desirable or even possible to use a wireless communication link disposed between field devices and a control device to communicate with a field device, it follows that McCain et al. cannot render any of the claims at issue obvious.

Applicants additionally traverse the rejection of claims 3, 4, 18 and 31-36 as anticipated by McCain et al. for the further reason that each of these claims recites that the field devices and/or the wireless links are powered from a network such as a distributed network. Notwithstanding the arguments set forth above, McCain et al. does not disclose that its wireless links or any field devices are powered by a network connection of any type. The examiner's citation to Col. 3, line 62 – Col. 4, line 27 simply does not support this contention. In fact, McCain et al. does not disclose how any of its components are powered, much less that its components are powered via a network connection. It follows, therefore, that McCain et al. cannot anticipate any of claims 3, 4, 18 or 31-36 or render any of these claims obvious for this further reason.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the above application is in condition for allowance. If there is any matter that the examiner would like to discuss, he is invited to contact the undersigned representative at the telephone number set forth below.

EXPEDITED PROCEDURE

Application No.: 09/805,124

Art Unit 2637

APPLICANT'S INTERVIEW SUMMARY RECORD

Applicants' attorneys Roger A. Heppermann and Chirag B. Patel conducted an interview with Examiner Luu on September 20, 2005. During this interview, claims 1, 16 and 31 of the present application were generally discussed and the Examiner indicated that the independent claims 1, 16 and 31, as amended herein, would appear to be allowable. The applicants wish to thank Examiner Luu for his consideration in conducting the interview and for his assistance during the interview.

October 3, 2005

Respectfully submitted,

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